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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,965	10/28/2003	Gabriel Wechter	200311246	3644

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EXAMINER

DUNN, DARRIN D

ART UNIT	PAPER NUMBER
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2153

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,965	<b>Applicant(s)</b> WECHTER ET AL.	
	<b>Examiner</b> Darrin Dunn	<b>Art Unit</b> 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This Office Action is responsive to the communication filed on 10/28/2003.
2. Claims 1-22 are presented for examination.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Frazier et al. (USPN 6941350).

5. As per claims 1, 9, and 15, Frazier et al. teaches a method for managing a discovery-related process in a network, comprising:

identifying topology information – devices ([COL 11, lines 25-39] of the network using the discovery-related process – state machine ([FIG 8], [COL. 11 lines 24-25]) in an active mode- S1 ([FIG 8 –discovering state], [COL. 11, lines 24-27]);

placing the discovery-related process from the active mode –S1 into a standby mode – S2 using a management process – subnet manager ([COL 11, lines 49-51]);

monitoring to detect specified events – responses to requests ([COL. 11, line 55] in the network using the management process – subnet manager ([COL 11, lines 53-56] e.g., subnet

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manager periodically sends requests...referred to as polling) and then forward the detected specified events to the discovery-related process – S4 ([FIG 8]), and /or when the predetermined point in time arrives – defined time out ([COL. 11, lines 58-64]); and

placing the discovery-related process from the standby mode into the active mode ([COL 11 lines 61-64] when the detected specified events exceed a threshold – pre-determined number of tries ([COL. 11, line 60]) and/or when the predetermined point in time arrives – defined time out ([COL 11, lines 58-60]).

6. As per claims 2 and 16, Frazier et al. teaches the method of claim 1, comprising:

signaling the management process – SM with higher priority ([FIG 8]) when the discovery-related process completes identification of the network's topology information – Discovery Completed ([FIG 8], [COL 12, lines 20-23])

7. As per claims 3, 11, and 17, Frazier et al. teaches the method of claim 1, wherein the discovery-related process transits from the active mode to the standby mode in an ordered sequence - S1-S2 ([FIG 8], [COL. 11, lines 66-67],[COL 12, lines 1-8]).

8. As per claims 4,12, and 18, Frazier et al. teaches the method of claim 1, comprising:

the discovery-related process identifying the network's topology information – begin discovery process ([COL. 11, lines 58-64] in response to the discovery-related process transiting from the standby mode to the active mode ([COL. 11, lines 58-64] e.g., discovery process repeated again upon a transition from the standby to discovering (active mode))

9. As per claims 5 and 19, Frazier et al. teaches the method of claim 4, wherein the discovery-related process performing identification of the network's topology information in response to the discovery-related process transiting from the standby mode to the active mode comprises:

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restarting initial subprocesses – S1-S4 ([FIG 8] e.g., state machine iteratively repeats transitions from standby to discovery based on status of subnet nodes) of the discovery-related process;

providing network topology information - subnet manager packets ([COL. 12 line 1] discovered by the initial subprocesses – DISCOVERING ([FIG 8] e.g., discovering entails employing processes including device discovery, querying ports, ascertaining path delays, and the like) to inactive subprocesses – STANDBY ([FIG 8], [COL. 12, line 4] of the discovery-related process;

the inactive subprocesses becoming active –MASTER ([FIG 8], [COL 12 e.g., ) in response to the provided network topology information – transition into discovering state ([COL. 12, line 2])

10. As per claims 6 and 20, Frazier et al. teaches the method of claim 5, wherein the initial subprocesses are restarted in an ordered sequence – S1-S4 ([FIG 8])

11. As per claims 7 and 21, Frazier et al. teaches the method of claim 4, comprising:

repeating the placing the discovery-related process from the active mode into the standby mode using the management process ([FIG 8], [COL 11, lines 49-51, 63-64] ,[COL. 12, lines e.g., begin the discovery process “again” for selecting a master subnet manager. Examiner interprets the reference as transitioning from an active to a standby state, and from a standby state to an active state based upon changing priority information –COL. 12 lines 38-47), after the discovery-related process identifying the network’s topology information ([COL. 11, lines 58-64] e.g., discovery process repeated again upon a transition from the standby to discovering (active mode)) in response to the discovery-related process transiting from the standby mode to the active mode.

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12. As per claims 8, 13, and 22, Frazier et al. teaches the method of claim 1, wherein the discovery-related process in the standby mode compares the detected specified events to the threshold – no response /predetermined number of tries ([COL. 11, line 59]), and initiates a transition from the standby mode to the active mode when the detected specified events exceed the threshold – transitions standby state back to discovering state based on pre-determined number of tries ([COL. 11, lines 58-64])

13. As per claim 10, Frazier et al. teaches the method of claim 9, wherein the means for identifying – S1 ([FIG 8]) signals the means for placing, detecting, and forwarding - state machine ([FIG 8]) when the means for identifying completes identification of the network's topology information –DISCOVERY COMPLETED ([FIG 8]).

14. As per claim 14, Frazier et al. teaches the method of claim 13, wherein the means for placing, detecting, and forwarding -state machine ([FIG 8]) shifts the means for identifying into the standby mode – S1-S2 ([FIG 8]) and the means for identifying –state machine ([FIG 8]) initiates a shift into the active mode –S1 when the detected specified events exceed the threshold – pre-determined number ([COL. 11, lines 58-64]) in a repeating cycle – transition from standby to discovering to begin process “again” ([COL. 11, lines 59-64], [FIG 8])

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6574663 – Active Topology Discovery in Active Networks

6990520 – System and Method for Managing Computer Networks

7139823 – Dynamic Intelligent Discover Applied to Topographic Networks

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20020120672 – Network Management

20030212767 – Dynamic Network Configuration System

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darrin Dunn whose telephone number is (571) 270-1645. The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DD  
06/20/2007



Anthony Knight  
Supervisory Patent Examiner  
Art Unit 2121